



San Bernardino Associated Governments

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- San Bernardino County Transportation Commission •San Bernardino County Transportation Authority
 - San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies
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AGENDA

Administrative Committee Meeting

May 14, 2008

9:00 a.m.

Location

SANBAG

Super Chief Conference Room

1170 W. 3rd Street, 2nd Floor

San Bernardino, CA

Administrative Committee Membership

Chair – SANBAG Vice President

Supervisor Gary Ovitt
County of San Bernardino

SANBAG President

Mayor Lawrence Dale
City of Barstow

SANBAG Past President

Supervisor Dennis Hansberger
County of San Bernardino

Mt./Desert Representatives

Mayor Rick Roelle
Town of Apple Valley

Mayor Mike Leonard
City of Hesperia

Supervisor Brad Mitzelfelt
County of San Bernardino

East Valley Representatives

Council Member Bea Cortes
City of Grand Terrace

Mayor Bob Christman
City of Loma Linda

Supervisor Josie Gonzales
County of San Bernardino

West Valley Representatives

Council Member Gwenn Norton-Perry
City of Chino Hills

Mayor Paul Eaton
City of Montclair

Supervisor Paul Biane
County of San Bernardino

San Bernardino Associated Governments (SANBAG) is a council of governments formed in 1973 by joint powers agreement of the cities and the County of San Bernardino. SANBAG is governed by a Board of Directors consisting of a mayor or designated council member from each of the twenty-four cities in San Bernardino County and the five members of the San Bernardino County Board of Supervisors.

In addition to SANBAG, the composition of the SANBAG Board of Directors also serves as the governing board for several separate legal entities listed below:

***The San Bernardino County Transportation Commission**, which is responsible for short and long range transportation planning within San Bernardino County, including coordination and approval of all public mass transit service, approval of all capital development projects for public transit and highway projects, and determination of staging and scheduling of construction relative to all transportation improvement projects in the Transportation Improvement Program.*

***The San Bernardino County Transportation Authority**, which is responsible for administration of the voter-approved half-cent transportation transactions and use tax levied in the County of San Bernardino.*

***The Service Authority for Freeway Emergencies**, which is responsible for the administration and operation of a motorist aid system of call boxes on State freeways and highways within San Bernardino County.*

***The Congestion Management Agency**, which analyzes the performance level of the regional transportation system in a manner which ensures consideration of the impacts from new development and promotes air quality through implementation of strategies in the adopted air quality plans.*

***As a Subregional Planning Agency**, SANBAG represents the San Bernardino County subregion and assists the Southern California Association of Governments in carrying out its functions as the metropolitan planning organization. SANBAG performs studies and develops consensus relative to regional growth forecasts, regional transportation plans, and mobile source components of the air quality plans.*

Items which appear on the monthly Board of Directors agenda are subjects of one or more of the listed legal authorities. For ease of understanding and timeliness, the agenda items for all of these entities are consolidated on one agenda. Documents contained in the agenda package are clearly marked with the appropriate legal entity.

**San Bernardino Associated Governments
County Transportation Commission
County Transportation Authority
Service Authority for Freeway Emergencies
County Congestion Management Agency**

AGENDA

Administrative Committee Meeting

**May 14, 2008
9:00 a.m.**

Location: SANBAG, Super Chief Conference Room, 1170 W. 3rd Street, 2nd Floor,
San Bernardino

CALL TO ORDER 9:00 a.m..
(Meeting Chaired by Gary Ovitt)

- I. Attendance
- II. Announcements
- III. Agenda Notices/Modifications – Anna Aldana

Notes/Actions

1. **Possible Conflict of Interest Issues for the Administrative Committee Meeting May 14, 2008.** Pg. 6

Note agenda item contractors, subcontractors and agents which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

Consent Calendar

Consent Calendar items shall be adopted by a single vote unless removed by member request.

Administrative Matters

2. **Attendance Register** Pg. 7
A quorum shall consist of a majority of the membership of each SANBAG Policy Committee, except that all County Representatives shall be counted as one for the purpose of establishing a quorum.
3. **Procurement Report for April 2008** Pg. 9
Receive Monthly Procurement Report. Cynthia Cordova

Discussion Items

Administrative Matters

4. **SANBAG Resolution No. 08-007 Employer Retirement Pickups** Pg. 11

Approve Resolution No. 08-007 relative to IRS Section 414(h)(2) retirement employer pickups. **Deborah Barmack**

5. **Purchase of SANBAG Vehicle** Pg. 14

Authorize the SANBAG President to sign Purchase Order PO8199 in an amount not to exceed \$40,000 for the purchase of a replacement SANBAG vehicle. **Michelle Kirkhoff**

6. **SANBAG 2008/2009 Proposed Budget** Pg. 16

1. Conduct the Board of Directors' Workshop for the proposed Fiscal Year 2008/2009 budget.

2. Recommend approval of the proposed Fiscal Year 2008/2009 budget. **Cynthia A. Cordova**

Program Support/Council of Governments

7. **Legislative Update** Pg. 18

Receive report concerning Legislative and Congressional activities and adopt the following bill positions:

- a. AB 1904 (Torrico) – Watch
- b. AB 2278 (Caballero) – Support
- c. AB 2295 (Arambula) – Watch
- d. SB 1507 (Oropeza) – Oppose
- e. SB 1646 (Padilla) – Oppose
- f. HR 2548 (Solis) – Support
- g. S 1499 (Boxer) – Support

Jennifer Franco

Transportation Program & Fund Admin.

8. **Transportation Development Act (TDA), Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA), California Transit Security Grant Program – California Transit Assistance Fund (CTSGP-CTAF) and Measure I Local Pass-Through Auditing Services Contract** Pg. 32
1. Approve selection of Miers & Miers, LLP, CPA for compliance and fiscal audits of TDA, PTMISEA, CTSGP-CTAF and Measure I Local Pass-Through recipients including five transit operators for Fiscal Years 2007/2008, 2008/2009 and 2009/2010, with two (2) one-year options.
 2. Approve Contract C08163 with Miers & Miers, LLP, CPA to provide TDA Claimants, PTMISEA and CTSGP-CTAF Recipients and Measure I Local Pass-Through Audits in the amount of \$427,770 as identified in the Financial Impact Section. Mike Bair

Comments from Committee Members**Public Comment****CLOSED SESSION**

Government Code Section 54957.6, Conference with Labor Negotiator Deborah Barmack regarding unrepresented employees

ADJOURNMENT**Additional Information****Acronym List**

Pg. 35

Complete packages of the SANBAG agenda are available for public review at the SANBAG offices. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Meeting Procedures and Rules of Conduct

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Agenda Actions – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

Closed Session Agenda Items – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. "Public Testimony on any Item" still apply.*

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

**SANBAG General Practices for Conducting Meetings
of
Board of Directors and Policy Committees**

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.

The Vote as specified in the SANBAG Bylaws.

- Each member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he would like to amend his motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is not addressed until after a vote on the first motion.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a member of the Board/Committee may “Call for the Question.”
- Upon a “Call for the Question,” the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair’s discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair’s direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Board/Committee Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.

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- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies
-

Minute Action

AGENDA ITEM: 1

Date: May 14, 2008

Subject: Information Relative to Possible Conflict of Interest

Recommendation*: Note agenda items and contractors/subcontractors which may require member abstentions due to possible conflicts of interest.

Background: In accordance with California Government Code 84308, members of the Board may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual. This agenda contains recommendations for action relative to the following contractors:

Item No.	Contract No.	Contractor/Agents	Subcontractors
8	C08163	Miers & Miers, LLP, CPA Jeff Miers	None

Financial Impact: This item has no direct impact on the budget.

Reviewed By: This item is prepared monthly for review by the Board of Directors and Policy Committee members.

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Approved
Administrative Committee

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

ADMINISTRATIVE COMMITTEE ATTENDANCE RECORD - 2008

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Paul Biane Board of Supervisors	X	X	X									
Robert Christman City of Loma Linda	X	X	X	X								
Mike Leonard City of Hesperia	X	X	X	X								
Bea Cortes City of Grand Terrace	X	X		X								
Lawrence Dale City of Barstow	X	X	X									
Paul Eaton City of Montclair	X	X		X								
Josie Gonzales Board of Supervisors			X	X								
Dennis Hansberger Board of Supervisors	X	X	X									
Brad Mitzelfelt Board of Supervisors	X	X		X								
Gary Ovitt Board of Supervisors	X	X		X								
Gwenn Norton-Perry City of Chino Hills												
Rick Roelle Town of Apple Valley	X			X								

X = Member attended meeting.

* = Alternate member attended meeting. Empty box = Member did not attend meeting

Crossed out box = Not a member at the time.

ADMINISTRATIVE COMMITTEE ATTENDANCE RECORD - 2007

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Paul Biane Board of Supervisors	X	X	X		X	X	X	X				X
Robert Christman City of Loma Linda	X	X		X	X	X	X	X	X	X	X	X
Kevin Cole City of Twentynine Palms	X	X	X	X	X	X	X					
Mike Leonard City of Hesperia												
Bea Cortes City of Grand Terrace	X	X	X	X	X		X	X	X	X		X
Lawrence Dale City of Barstow	X	X	X	X	X	X	X	X	X	X	X	X
Paul Eaton City of Montclair		X		X	X	X	X	X	X	X		X
Josie Gonzales Board of Supervisors	X		X	X	X		X	X				X
Dennis Hansberger Board of Supervisors	X	X		X	X		X	X		X	X	X
Brad Mitzelfelt Board of Supervisors	X	X		X						X		
Gary Ovitt Board of Supervisors	X	X	X	X		X	X		X		X	X
Gwenn Norton-Perry City of Chino Hills		X	X	X	X			X		X	X	X
Rick Roelle Town of Apple Valley	X	X	X		X	X		X	X	X		X

X = Member attended meeting.

* = Alternate member attended meeting. Empty box = Member did not attend meeting

Crossed out box = Not a member at the time.

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 3

Date: May 14, 2008

Subject: Procurement Report for April 2008

Recommendation: Receive Monthly Procurement Report.

Background: The Board of Directors approved the Contracting and Procurement Policy (Policy No. 11000) on January 3, 1997. The Executive Director, or designee, is authorized to approve Purchase Orders up to an amount of \$25,000. All procurements for supplies and services approved by the Executive Director, or his designee, in excess of \$5,000 shall be routinely reported to the Administrative Committee and to the Board of Directors.

Attached are the purchase orders in excess of \$5,000 to be reported to the Administrative Committee for the month of April 2008.

Financial Impact: This item imposes no impact on the FY 2007/2008 Budget. Presentation of the monthly procurement report will demonstrate compliance with the Contracting and Procurement Policy (Policy No. 11000).

Reviewed By: This item is scheduled for review by the Administrative Committee on May 14, 2008.

Responsible Staff: Cynthia A. Cordova, Accounting Manager

Approved
Administrative Committee

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

PURCHASE ORDERS ISSUED FOR APRIL 2008

P.O. #	Vendor	Purpose	Sole Source Y/N	Amount
P08168	Woodruff, Spradlin & Smart	On-call attorney services to review conflict of interest issues	Yes -- Sole source due to conflicts of interest with other providers of legal services	\$ 8,000.00
P08187	Arellano Associates	Public Outreach for Tippecanoe Ave/Anderson Street Interchange Project	No -- vendor selected through the competitive bid process	\$11,918.00
			TOTAL PURCHASE ORDERS ISSUED	\$ 19,918.00

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 4

Date: May 14, 2008

Subject: SANBAG Resolution No. 08-007 Employer Retirement Pickups

Recommendation:* Approve Resolution No. 08-007 relative to IRS Section 414(h)(2) retirement employer pickups.

Background: In 2006, the Internal Revenue Service issued Rev. Ruling 2006-43 concerning the application of Internal Revenue Code Section 414(h)(2) Employer Pickups. The San Bernardino County Employees' Retirement Association (SBCERA) has advised SANBAG that the SANBAG Board of Directors must adopt or re-adopt a resolution prior to January 1, 2009, authorizing employees to make retirement contributions on a pre-tax basis.

The SBCERA Board of Retirement will not be able to accept employee retirement contributions or employee service credit purchases on a pre-tax basis if a resolution is not filed prior to that date. Additionally, SBCERA advised that SANBAG could be liable for additional income tax withholding, employment tax withholding and penalties for failure to properly report to the IRS, if the resolution is not adopted.

Financial Impact: Adoption of this resolution has no new financial impacts upon SANBAG. SANBAG liability is limited by approval of this resolution.

Reviewed By: This item is scheduled for review by the Administrative Committee on May 14, 2008.

Responsible Staff: Deborah Robinson Barmack, Executive Director

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Approved
Administrative Committee

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

RESOLUTION NO. 08-007

WHEREAS, employees of the San Bernardino Associated Governments (hereinafter "Employer") participate in the San Bernardino County Employees' Retirement Association ("SBCERA") in accordance with the County Employees' Retirement Law of 1937 (the "37 Act") as set forth in the California Government Code; and

WHEREAS, members of the SBCERA make mandatory employee retirement contributions to SBCERA and may also elect to redeposit member contributions, and/or make additional contributions for the purchase of service credit, additional retirement credit and sick leave credit as permitted under the 37 Act; and

WHEREAS, the Employer has determined it is in the best interests of the Employer and its employees to implement a pre-tax payroll deduction plan under Internal Revenue Code ("IRC") Section 414 (h)(2) for mandatory employee retirement contributions for the purchase of service credit, additional retirement credit, and sick leave credit; and

WHEREAS, the Employer has the authority to implement the provision of IRC Section 414(h)(2) and has determined that even though implementation is not required by law, the tax benefit offered by IRC Section 414(h)(2) should be provided to those employees who are members of SBCERA; and

WHEREAS, the Employer elects to provide a pre-tax payroll deduction plan for all of its officers and employees (herein "employees") who are members of SBCERA so employee contributions are picked up under IRC Section 414(h)(2).

NOW, THEREFORE, BE IT RESOLVED:

1. This resolution applies to all regular contributions that are required to be made by any employees of the Employer as members of SBCERA, in accordance with the 37 Act, on a regular, payroll deduction basis and which are reported to SBCERA and credited to individual employee accounts. These member contributions to SBCERA are referred to as normal contributions under the 37 Act and are called 'mandatory employee retirement contributions' in this resolution.

Approved
San Bernardino Associated Governments
Administrative Committee

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

2. This resolution applies to all employee contributions made to SBCERA for the redeposit of contributions, and/or purchase of service credit, additional retirement credit and sick leave credit pursuant to a binding irrevocable payroll deduction election made by the employee to have such contributions picked up for tax purposes and made on a pre-tax basis, and which are reported to SBCERA and credited to individual employee accounts. These contributions to SBCERA are called "elective employee contributions" in this resolution.
3. All mandatory employee retirement contributions made to SBCERA, although designated as employee contributions under the 37 Act and although deducted from the employee's compensation, shall be picked up by the Employer for tax purposes in accordance with IRC Section 414(h)(2) and shall be treated by the Employer as paid by the Employer to SBCERA in lieu of contributions by employees who are members of SBCERA.
4. Employees shall not have the option of choosing to receive mandatory employee retirement contributions directly instead of having them paid by the Employer to SBCERA.
5. All elective employee contributions made to SBCERA, although designated as employee contributions under the 37 Act and although deducted from the members' compensation, shall be picked up by the Employer for tax purposes in accordance with IRC Section 414(h)(2) and shall be treated by the Employer as paid by the Employer to SBCERA in lieu of contributions by employees who are members of SBCERA. The Employer will only implement this section for employees that execute a binding irrevocable payroll deduction election to have such elective employee contributions picked up by Employer for tax purposes under IRC Section 414(h)(2).
6. Employees executing a binding, irrevocable payroll deduction election to have elective employee contributions picked up by the Employer shall not have the option of choosing to receive the elective employee retirement contributions directly instead of having them paid by the Employer to SBCERA. Any such election shall only apply to employee contributions deducted from compensation earned after the election is made.
7. The Employer shall pay to SBCERA all mandatory employee retirement contributions and all elective employee contributions from the same source of funds as used in paying salary.
8. Employee contributions that are picked up in accordance with this resolution shall result in the tax deferral of these contributions to the extent provided under the IRC, Treasury Regulations and other guidance issued thereunder.
9. The effective date of the pre-tax payroll deduction plan under IRC section 414(h)(2) for both mandatory employee retirement contributions and elective employee contributions is June 4, 2008. This resolution shall only apply to employee contributions deducted from compensation earned after the effective date stated herein and does not apply to any employee contributions made to SBCERA before the effective date.
10. The Employer shall comply with all reporting, contribution and other administrative requirements established by SBCERA with respect to all employees whose contributions are picked up in accordance with this resolutions.

Minute Action

AGENDA ITEM: 5

Date: May 14, 2008

Subject: Purchase of SANBAG Vehicle

Recommendation:* Authorize the SANBAG President to sign Purchase Order PO8199 in an amount not to exceed \$40,000 for the purchase of a replacement SANBAG vehicle.

Background: SANBAG maintains one agency vehicle which is housed at the Santa Fe Depot for business purposes. The vehicle is used for a variety of purposes, including transporting displays and materials for public meetings, picking up supplies and printed materials, conducting project tours with Staff and dignitaries, as well as travel to and from work meetings. The existing vehicle is a Compressed Natural Gas van which was purchased in 1996 through a clean fuels program offered by Caltrans. Due to the age and condition, as well as limitations for continued vehicle repairs, it is in the Agency's best interest to replace the vehicle at this time.

SANBAG intends to utilize the services of the County of San Bernardino, Fleet Management Services, to acquire the vehicle. The County conducts procurement processes for fleet vehicles and is amenable for SANBAG to "piggy back" on an existing open procurement process. SANBAG commonly works with the County for major purchases, which provides for an efficient and cost-effective process which results in favorable pricing, due to the volume handled by the County.

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Approved
Administrative Committee

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

This item will allow SANBAG to work with the County for the purchase of a new vehicle and authorize the President to approve the purchase order. As an agency responsible for clean vehicle programs, SANBAG will be seeking to purchase a hybrid vehicle suitable to our needs.

Financial Impact: This item will result in an expenditure not to exceed \$40,000 in Task ISF08, Indirect, which is within the approved budget for 2007/2008.

Reviewed By: This item will be reviewed by the Administrative Committee at its May 14, 2008 meeting.

Responsible Staff: Michelle Kirkhoff, Director Air Quality/Mobility Programs

Minute Action

AGENDA ITEM: 6

Date: May 14, 2008

Subject: SANBAG 2008/2009 Proposed Budget

Recommendation:*

1. Conduct the Board of Directors' Workshop for the proposed Fiscal Year 2008/2009 budget.
2. Recommend approval of the proposed Fiscal Year 2008/2009 budget.

Background: The SANBAG Fiscal Year 2008/2009 proposed budget has been developed in accordance with the schedule adopted by the Board of Directors on February 6, 2008. The proposed budget documents were distributed to the members of the Board of Directors at the May 7, 2008 meeting. This meeting will serve as an opportunity for a final Board of Directors' workshop review of the proposed budget prior to the scheduled adoption on June 4, 2008.

Task level budget development has been completed relative to all of the activities included in the Fiscal Year 2008/2009 budget. SANBAG's budget process is structured to provide for the maximum level of input from SANBAG policy committees. Each policy committee has reviewed the tasks that relate to the functional areas of committee oversight and each task has been reviewed by at least one of the policy committees.

*Approved
Administrative Committee*

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

SANBAG's budget process began with a review of the Board of Director's direction as it relates to short term goals and how it integrates with long term goals and objectives. Simultaneous with this review, staff analyzes available resources.

SANBAG develops a program based budget which is adopted with funding source detail. The modified accrual basis (where revenues are recognized when received and available to meet current year obligations) is the basis for the 2008/2009 budget. The Budget Summary shows the anticipated revenues and expenditures for new activity for the upcoming fiscal year.

Financial Impact: The 2008/2009 proposed budget totals \$303,153,590 for new budget activity and \$123,240,689 in estimated encumbrances. The total budget of \$426,394,279 will establish the work program and financial approvals to guide the organization throughout the coming fiscal year.

Reviewed By: This item is scheduled for review by the Administrative Committee on May 14, 2008. All five of the SANBAG policy committees have reviewed task descriptions and budgets for activities under their purview during the past month.

Responsible Staff: Cynthia A. Cordova, Accounting Manager

Minute Action

AGENDA ITEM: 7

Date: May 14, 2008

Subject: Legislative Update

Recommendation:* Receive report concerning Legislative and Congressional activities and adopt the following bill positions:

- a. AB 1904 (Torrico) – Watch
- b. AB 2278 (Caballero) – Support
- c. AB 2295 (Arambula) – Watch
- d. SB 1507 (Oropeza) – Oppose
- e. SB 1646 (Padilla) – Oppose
- f. HR 2548 (Solis) – Support
- g. S 1499 (Boxer) – Support

Background: Both the State Legislature and Congress have been in regular session during the past month. This item is to highlight the most notable activities as they pertain to transportation.

State Legislative Update

The Governor's May Revise is due for release in just a few days. Although there have been no rumors from the Administration to suspend Proposition 42 (the state's sales tax on the state excise gas tax), it is speculated that suspending Proposition 42 funds might provide an "easy fix" to produce a balanced budget.

*Approved
Administrative Committee*

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

Should Governor Schwarzenegger suspend Proposition 42, the State Transportation Improvement Program (STIP), the Corridor Mobility Improve Account (CMIA), Trade Corridors Improvement Fund (TCIF), and the Traffic Relief Congestion Program (TCRP) will be negatively impacted.

During the month of April, the California Transportation Commission (CTC) programmed TCIF dollars; however, those funds still need to be allocated in the state's budget process. An Assembly budget committee considered this issue once already and it failed passage. Sources in Sacramento say there could be a budget fight over allocating TCIF.

On May 13, 2008, Assemblywoman Karen Bass is scheduled to be sworn in as Speaker of the House. Karen Bass has been a State Assembly Member representing Los Angeles' 47th Assembly District since 2005.

Federal Update

In April, the House and Senate Transportation, Housing and Urban Development (THUD) Appropriations Subcommittees held a series of hearings on the President's FY 2009 budget proposal for the Department of Transportation's (DOT) surface transportation programs and the long-term outlook for financing transportation investment. At each hearing, members discussed concerns about sources from which funding is generated for transportation and the ineffectiveness of such revenue streams. The committees also received testimony which highlighted that the President's budget for fiscal year 2009 fall short of the amounts authorized in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Additionally, the House Transportation, Housing and Urban Development Appropriations Subcommittee held its hearing to review recommendations from the National Surface Transportation Policy and Revenue Study Commission (aka: the "1909 Commission").

During the past month, Congress passed HR 1195, a Technical Corrections Bill for SAFETEA-LU. Special thanks to Congressman Baca who submitted a technical correction on behalf of SANBAG to reallocate \$1.6 million from the State Street/Cajon Blvd. grade separation to the Palm Avenue grade separation (SAFETEA-LU High Priority Project 2826). This technical correction was sought after the State Street/Cajon Blvd. project received state TCRP funds. The result of this action will allow SANBAG to construct two grade separations along Alameda Corridor East instead of just one grade separation.

Discussions with Congressional staffers regarding the upcoming transportation reauthorization bill are beginning this month in Washington, D.C. SANBAG staff was invited to participate in conference calls and to attend a staff-level briefing scheduled for May 21st. SANBAG staff will keep board members informed on the progress of these discussions.

Bill Positions

While SANBAG staff is tracking and monitoring a number of bills under consideration in Sacramento and D.C., it is recommended that the board discuss and adopt positions for the bills summarized below:

State Legislation:

- a. AB 1904 (Torrico) – Watch**
Establishes a process by which a county or regional transportation agency can fund a project using bonds backed by future federal transportation allocations and modifies a formula used to calculate a county's share of available STIP funds. There would be no foreseen negative financial impacts to SANBAG's projects should this bill pass in its current form. SANBAG's Sacramento advocate, Mark Watts, recommends SANBAG "watch" this bill as it may be amended in the upcoming months.
SANBAG Staff Recommendation: Watch
- b. AB 2278 (Caballero) – Support**
Requires the Governor's Office of Planning and Research (OPR) to advise and educate local agencies and other interested stakeholders of the role that Public-Private Partnerships (P3s) can play in financing, constructing, operating, maintaining, or managing fee-producing local infrastructure projects. This bill may assist local agencies wishing to utilize P3s.
SANBAG Staff Recommendation: Support
- c. AB 2295 (Arambula) – Watch**
Provides that state and local road rehabilitation projects are eligible for transportation capital improvement funds, pursuant to the STIP process. Currently, the STIP already provides this kind of flexibility and there would be no foreseen fiscal impacts to SANBAG's projects. This legislation intends to codify existing practice.
SANBAG Staff Recommendation: Watch
- d. SB 1507 (Oropeza) – Oppose**
Prohibits the CTC and Caltrans from authorizing the construction or expansion of a state highway within a quarter mile of a school. This legislation would negatively impact SANBAG's I-215

Bi-County/Barton Road Interchange, I-15/I-215 Devore Interchange Improvement Project, I-10 High Occupancy (HOV) Extension Project, and I-10 Cherry Ave./Citrus Ave. Interchange projects.
SANBAG Staff Recommendation: Oppose

- e. ***SB 1646 (Padilla) – Oppose Unless Amended***
Reauthorizes the South Coast Air Quality Management District's (AQMD) Clean Fuels Program by extending the \$1 fee on vehicle registration fees and allows AQMD to spend up to 5 percent more on administrative costs. SANBAG staff recommends this bill is opposed unless amended due to the intent to use continued collected fees towards administrative costs at a time when all transportation revenue sources are being severely underfunded. ***SANBAG Staff Recommendation: Oppose Unless Amended***

Federal Legislation:

- f. ***HR 2548 (Solis) – Support***
Amends the Clean Air Act to direct the Administrator of the Environmental Protection Agency (EPA) to disseminate regulations that, effective December 31, 2010, require specified marine vessels to use fuel that contains no more than 1,000 parts per million of sulfur in the main and auxiliary engines. Senator Boxer authored an exact copy of this bill called S 1499. ***SANBAG Staff Recommendation: Support***
- g. ***S 1499 (Boxer) – Support***
Amends the Clean Air Act to direct the Administrator of the Environmental Protection Agency (EPA) to disseminate regulations that, effective December 31, 2010, require specified marine vessels to use fuel that contains no more than 1,000 parts per million of sulfur in the main and auxiliary engines. Congresswoman Solis authored an exact copy of this bill called HR 2248. ***SANBAG Staff Recommendation: Support***

(Please note: For more information on any one of these bills, a complete analysis of each bill is attached – ***Attachment #1.***)

Financial Impact: Funding for SANBAG's Legislative program is consistent with the adopted SANBAG Budget Task No. 50308000.

Administrative Committee Agenda Item

May 14, 2008

Page 5

Reviewed By: This item is scheduled for review by the Administrative Committee on May 14, 2008.

Responsible Staff: Jennifer Franco, Director of Intergovernmental and Legislative Affairs

Bill Analysis – Attachment #1

AB 1904 (Torrico)

Watch

Version Date: April 14, 2008

Bill Analyzed: May 1, 2008

Bill location: Assembly Appropriations Committee

Vote Requirement: 41

Brief Summary

AB 1904 establishes a process by which a county or regional transportation agency can fund a project using bonds backed by future federal transportation allocations (popularly known as GARVEE bonds) and modifies a formula used to calculate a county's share of available State Transportation Improvement Program (STIP) funds.

Digest

Specifically this bill:

1. Requires the California Transportation Commission (CTC) to establish guidelines that allow a county to use federal transportation funds, instead of its STIP allocation, to allow county projects to be funded using Grant Anticipation Revenue Vehicles (GARVEE) bonds backed by these federal funds.
2. Specifies, when the CTC calculates a county's share of STIP funding based on population and total State highway miles in that county, that the minimum state highway miles in a county is that which existed on January 1, 2008.

Background

This bill is intended to achieve two distinct goals: increased use of GARVEE bond funding to accelerate local transportation projects and establishing a minimum value for one of the factors determining a county's share of STIP fund allocations. The author contends that counties are largely precluded from using GARVEE bond financing since most federal transportation funding is used by the state and not included in transportation funding allocations to local agencies. The author also contends that cities and counties that request the CTC to relinquish portions of state highways located in their jurisdictions should be protected from the negative impact highway relinquishments have on the county STIP share calculation.

Analysis

By placing a floor on the number of state highway miles that exists in any particular county, AB 1904 is intended to protect those counties that are the recipients of state highway relinquishments from being negatively affected when it comes time to calculate their share of county STIP allocations. For example, a county contains 300 miles of state highways on January 1, 2008, and that figure is used in the calculation of the county's STIP share for regional transportation improvements on June 30, 2008. If, from 2008-2011, total state highway miles in that county is reduced by 50 miles through relinquishments, the next STIP share calculation for that county in 2012 will still use 300 miles of state highway instead of the actual 250 miles. This formula modification will result in a higher STIP allocation for that county, and slightly lower allocations for the other counties in the northern or southern group.

There would be no foreseen negative financial impacts to SANBAG's projects should this bill pass in its current form. SANBAG's advocate in Sacramento, Mark Watts, recommended SANBAG take a "watch" position on this bill.

AB 2278 (Caballero)
Version Date: May 6, 2008
Bill Analyzed: May 7, 2008
Bill location: Assembly Appropriations
Vote Requirement: 41

Support

Brief Summary

AB 2278 requires the Governor's Office of Planning and Research (OPR) to advise and educate local agencies and other interested stakeholders of the role that Public-Private Partnerships (P3) can play in financing, constructing, operating, maintaining, or managing fee-producing local infrastructure projects.

Digest

Specifically this bill:

1. States legislative intent that OPR assist local agencies interested in P3s by providing information and practical assistance that will help educate local agencies about the appropriate application of P3s to some types of local infrastructure projects, and help ensure that public-private partnership agreements protect the public interest.
2. States that it is not the intent of the Legislature to enact legislation that prejudices local agencies' decisions about the use of a P3s to build infrastructure, as compared with the use of traditional procurement methods or to promote the outsourcing of public sector jobs.
3. Requires OPR to advise and educate local agencies and other interested stakeholders about the role that P3s can play in planning, studying, designing, financing, constructing, operating, maintaining, or managing local infrastructure projects.

Background

Existing law provides that OPR serves as the state's comprehensive planning agency in the formulation, evaluation, and updating of, among other things, long-range goals and policies for land use, population growth and distribution, urban expansion, development, open space, resource preservation and utilization, air and water quality, and other factors that shape statewide development patterns and significantly influence the quality of the state's environment.

Analysis

P3s are contractual agreements between a public agency and a private sector entity that utilize private sector capital to study, plan, design, construct, develop, finance, maintain, rebuild, improve, repair, or operate, or any combination thereof, infrastructure facilities, if the facilities remain a public good and under public ownership. P3s are increasingly used in Canada, France, Spain, Australia, and elsewhere to build infrastructure. Legislation passed in 1996 [AB 2660 (Aguiar), Chapter 1040, Statutes of 1996] authorizes local agencies to enter into P3 agreements with private companies to design, construct or reconstruct specific types of fee-producing infrastructure projects. Over the 12 years since AB 2660 authorized P3s, local agencies have only rarely used them to build infrastructure. Part of the reason appears to be lack of information about when and how P3s can be used. Critics of P3s also assert that local agencies lack the technical and legal resources to develop P3 agreements that fully protect the public interest.

AB 2278 directs OPR to generate and distribute information to local agencies and other interested stakeholders about the role that public-private partnerships can play in addressing the need for new or improved infrastructure projects. The author's stated intent is to help local agencies gain better knowledge of a tool that could help build the infrastructure local communities need.

The League of California Cities is in support of this bill.

Attachment:
ADM0805A1-JF
50308000

Page 2 of 9

AB 2295 (Arambula)**Watch****Version Date: February 21, 2008****Bill Analyzed: May 6, 2008****Bill location: Senate Transportation and Housing Committee (Hearing 5/13/08)****Vote Requirement: 21**

Brief Summary

AB 2295 provides that state and local road rehabilitation projects are eligible for transportation capital improvement funds, pursuant to the State Transportation Improvement Program (STIP) process.

Digest

Existing law:

1. Requires the Department of Transportation (Caltrans) to prepare, and the CTC to adopt, a Fund Estimate every two years. The Fund Estimate is an estimate of all federal and state funds reasonably expected to be available during the following five fiscal years.
2. Provides that expenditures for Caltrans' administration, maintenance, and operations of the state highway system, rehabilitation of the state highway system, and local assistance are subtracted from the total amount of transportation dollars available. The remaining funds are programmed for transportation capital improvements.
3. Divides funds available for transportation capital improvements as follows:
 - a) 25% for interregional improvements; and,
 - b) 75% for regional improvements.
4. Identifies types of regional projects that are eligible for funding from STIP funds, including but not limited to: state highways, local roads, public transit, bicycle and pedestrian facilities, and grade separations.

Background

Under current law, county transportation commissions and Regional Transportation Planning Agencies (RTPAs) may utilize funds in the STIP for transportation improvement projects that are needed to improve transportation within the region. The projects may include, but are not limited to, improving state highways, local roads, public transit, intercity rail, pedestrian and bicycle facilities, and grade separation, transportation system management, transportation demand management, soundwall projects, intermodal facilities, safety, and providing funds to match federal funds.

In 1998, CTC adopted guidelines that allow the STIP to include local road rehabilitation projects. Since then, hundreds of millions of dollars in local rehabilitation projects have been added to the STIP, with many of these in rural counties. The need to include local street rehabilitation projects in the STIP is particularly acute for rural counties, as most of the transportation distribution formulas place greater emphasis on population as a formula factor than county road miles, disadvantaging rural counties that have lower populations and a greater number of county road miles.

According to CTC's 2007 annual report to the Legislature, "Rehabilitating and maintaining the existing investment in transportation infrastructure is among the most urgent needs for enhanced funding. Agencies at all levels of government in California are under pressure to keep up with maintenance, let alone rehabilitation. Caltrans' inventory of distressed lane miles in the state highway system increased, while the available funding for maintenance and rehabilitation barely covered half of the annual need in 2007. This is a trend that started earlier in the decade and shows no signs of reversing any time soon. And, cities and counties experience the same challenge."

According to Assemblyman Arambula, maintaining a safe network of local roads is vital to the safety of California drivers and the stability of the state's economy. Currently, these important projects are funded by the CTC only through discretionary actions and are not protected in statute. The author introduced AB 2295 to explicitly provide in statute that local road rehabilitation projects are among the list of projects eligible to receive funding through the STIP process.

Analysis

Currently, the STIP already allows for state and local road rehabilitation projects and this bill would not change the STIP guidelines. At this time, there are no foreseen financial impacts to SANBAG.

This legislation intends to codify existing practice.

The California State Association of Counties, Regional Council of Rural Counties, and the League of California Cities support this bill.

SB 1507 (Oropeza)

Oppose

Version Date: April 21, 2008

Bill Analyzed: May 7, 2008

Bill location: Senate Appropriations

Vote Requirement: Majority

Brief Summary

This bill prohibits the California Transportation Commission (CTC) and the Department of Transportation (Caltrans) from authorizing the construction or expansion of a state highway within a quarter mile of a school.

Digest

Specifically this bill:

1. Prohibits the CTC from authorizing the construction or expansion of a state highway within one-fourth mile of a school boundary.
2. Prohibits Caltrans from constructing or expanding a state highway within one-quarter mile of a school boundary.

Background

Related legislation, SB 352 (Escutia), Chapter 668, Statutes of 2003, prohibits a school district, after appropriate air quality analysis, from approving the acquisition of a school site within 500 feet of the closest traffic lane of a freeway or busy roadway unless the air quality at the site does not pose a health risk to pupils or staff. The school may make a finding of overriding considerations if the district is unable to locate an alternative suitable site and proceed with acquisition of land.

Analysis

According to Senator Oropesa, a recent study of Los Angeles area freeways measured diesel particulate levels up to 25 times greater near freeways than those levels elsewhere. Much of the pollution from freeways is associated with acute health effects, exacerbating asthma and negatively impacting the ability of children to learn. Cars and trucks release at least forty different toxic air contaminants. According to the California Air Resources Board and the South Coast Air Quality Management District, diesel pollution is the highest within 1,000 feet of distribution centers, heavy trucking corridors, and highways. Levels of these pollutants are generally concentrated within 500 feet of freeways and very busy roadways and can cause irreversible health problems such as asthma and affects cognitive and developmental growth. This purpose of this bill is to ensure that highway investment decisions will not further degrade the quality of air within the vicinity of a school site.

Development of high occupancy vehicle lanes may be stopped

High occupancy vehicle (HOV) lanes that go within a quarter mile of a school may not be constructed, if this bill became law. The purpose of HOV lanes is to encourage the use of multiple occupant vehicles as a way of reducing motor vehicle emission by removing the vehicles from the stop and go travel of mixed vehicle lanes. This bill would possibly set back the ability of several metropolitan regions in California from meeting air quality standards. Failure to achieve federal air quality standards may result in the interdiction in the flow of federal highway construction revenues.

The impacts that this bill would have on San Bernardino County is catastrophic. Not only would this halt our current projects such as the I-215 widening and the I-10 HOV projects, but it would also affect many of our future projects such as SR 210/215 widening and the Devore Interchange. The language in this bill specifically prohibits any "construction" of a state highway within a quarter mile of a school; that would have an effect on the Riverside, Cherry and Citrus bridge projects along I-10.

There are eleven schools that are within a half mile of SANBAG freeway projects:

(See chart on next page)

<u>SCHOOLS WITHIN ONE 1/2 MILE OF SANBAG FREEWAY PROJECTS</u>		
<u>Ref. Map</u>	<u>School</u>	<u>Location</u>
		(Nearest Exist)
<u>I-215 NORTH OF RIVERSIDE COUNTY LINE TO DEVORE</u>		
606	Middle School	Mill Street
606	San Bernardino Valley College	Mill Street
646	Advocate HS	Barton
646	Private Church School	Washington
576	San Bernardino HS	Highland
<u>I-15 NORTH OF RIVERSIDE COUNTY LINE</u>		
573	Etiwanda HS	Baseline
<u>SR-210 - I-215 TO I-10</u>		
576	Middle school	N Street
577	Aquians Catholic HS	Del Rosa
577	San Gorgonio HS	Arden
577	San Andreas HS	Mile East of Arden
607	Calvary Chapel Christian HS	San Bernardino Ave

This legislation would negatively impact SANBAG's I-215 Bi-County/Barton Road Interchange, I-15/I-215 Devore Interchange Improvement Project, I-10 High Occupancy (HOV) Extension Project, and I-10 Cherry Ave./Citrus Ave. Interchange projects.

Currently, there are there is no known opposition on this bill.

SB 1646 (Padilla)

Oppose Unless Amended

Version Date: Feb. 22, 2008

Bill Analyzed: April 30, 2008

Bill location: Assembly Rules Committee

Vote Requirement: Majority

Brief Summary

This proposed bill would reauthorize the South Coast Air Quality Management District's (AQMD) Clean Fuels Program. Specifically, it would remove the January 1, 2010 sunset on AQMD's authority under the Vehicle Code to levy a \$1 fee on motor vehicles registered within the District to fund the Clean Fuels Program.

Digest

Specifically this bill:

1. Deletes the sunset date on AQMD's authority to impose and collect the \$1 fee on motor vehicles registered within the district's boundaries.
2. Increases to 5% the amount that AQMD may spend on its administrative costs.

Background

Existing law creates the AQMD as the sole and exclusive local agency with responsibility for comprehensive air pollution control within the South Coast Air Basin, which encompasses parts of Los Angeles, Riverside, San Bernardino counties and all of Orange County. Existing law requires AQMD to establish a clean-burning fuels program.

Existing law establishes a basic statewide vehicle registration fee of \$31, plus a \$10 surcharge for additional personnel for the California Highway Patrol, and authorizes local agencies to impose separate vehicle registration fee surcharges in their respective jurisdictions for a variety of special programs, including:

- \$1 for service authorities for freeway emergencies,
- \$1 for removing abandoned vehicles, and up to \$6 for programs implementing the California Clean Air Act.

In addition, existing law permits the AQMD until January 1, 2010 to impose an additional \$1 fee on vehicles registered within that district. The revenues from this fee are used to reduce air pollution from motor vehicles through its clean-burning fuels program, except that AQMD may not use more than 2.5% for AQMD's administrative costs.

Analysis

AQMD's Clean Fuel Program has been a successful Public- Private Partnership (P3) over the past 20 years. This program has helped to clean the air by finding clean fuels technology. Achieving federal and state clean air standards in Southern California will require emission reductions from both mobile and stationary sources beyond those obtainable using current technologies. The current Air Quality Management Plan calls for new clean fuel technologies in order to meet the 2014 federal air quality standards. Additionally, by promoting the development of cleaner technologies, the Program stimulates the local and state economy and creates and maintains green jobs.

SANBAG staff recommends this bill is opposed unless amended due to the intent to use continued collected fees towards administrative costs at a time when all transportation revenue sources are being severely underfunded.

Currently there are numerous organizations supporting this bill, two of which are Southern California Association of Governments and the League of California Cities.

HR 2548 (Solis)

Support

Version Date: May 24, 2007

Bill Analyzed: May 6, 2008

Bill location: House Subcommittee on Energy and Air Quality

Vote Requirement: Majority

Brief Summary

Amends the Clean Air Act to direct the Administrator of the Environmental Protection Agency (EPA) to disseminate regulations that, effective beginning on December 31, 2010, require specified marine vessels to use fuel that contains not more than 1,000 parts per million of sulfur in their main and auxiliary engines. Authorizes the Administrator to promulgate interim regulations upon determining that compliance with such requirement is not technically feasible by such date.

Digest

Authorizes the Administrator to provide for an alternative mechanism of compliance for a marine vessel if:

1. The vessel employs a control technology that reduces emissions of sulfur oxides and particulate matter to at least the same degree as the reduction that would be achieved through compliance with the applicable fuel sulfur content limitation;
2. The emission reductions achieved are in addition to any reductions required to achieve compliance with an applicable engine emission standard.

Requires:

1. The Administrator, no later than December 15, 2008, to establish and periodically revise standards for emissions of oxides of nitrogen, particulate matter, hydrocarbons, and carbon monoxide from newly-manufactured and in-use main and auxiliary engines in oceangoing marine vessels that enter or leave a U.S. port or offshore terminal;
2. Such standards to require, beginning January 1, 2012, that the engines achieve the greatest degree of emission reduction achievable through the application of available technology.

Directs the Administrator, upon determining that the maximum level of control required by regulations applicable to on-road, non-road, and stationary engines or achieved by sources from which control technologies may be transferred, including sources that use advanced after treatment technologies, will not be technically achievable by January 1, 2012, to disseminate:

1. Standards that require the level of control that will be technically achievable by that date;
2. Additional standards that require either such maximum level of control or the level that will be technically achievable beginning January 1, 2016.

Analysis

This legislation may assist the region reach its air quality attainment targets for PM 2.5. If the region cannot meet air quality targets for PM 2.5 by 2014, the region may be sanctioned by the federal government and/or lose funding for air quality improvement projects relating to transportation.

HR 2248 is identical to S 1499, authored by Senator Boxer.

Status

05/24/07 Referred to Senate Environment and Public Works Committee

02/14/08 Hearings held in the Senate Environment and Public Works Committee

Brief Summary

Amends the Clean Air Act to direct the Administrator of the Environmental Protection Agency (EPA) to disseminate regulations that, effective beginning on December 31, 2010, require specified marine vessels to use fuel that contains not more than 1,000 parts per million of sulfur in their main and auxiliary engines. Authorizes the Administrator to promulgate interim regulations upon determining that compliance with such requirement is not technically feasible by such date.

Digest

Authorizes the Administrator to provide for an alternative mechanism of compliance for a marine vessel if:

1. The vessel employs a control technology that reduces emissions of sulfur oxides and particulate matter to at least the same degree as the reduction that would be achieved through compliance with the applicable fuel sulfur content limitation;
2. The emission reductions achieved are in addition to any reductions required to achieve compliance with an applicable engine emission standard.

Requires:

1. The Administrator, no later than December 15, 2008, to establish and periodically revise standards for emissions of oxides of nitrogen, particulate matter, hydrocarbons, and carbon monoxide from newly-manufactured and in-use main and auxiliary engines in oceangoing marine vessels that enter or leave a U.S. port or offshore terminal;
2. Such standards to require, beginning January 1, 2012, that the engines achieve the greatest degree of emission reduction achievable through the application of available technology.

Directs the Administrator, upon determining that the maximum level of control required by regulations applicable to on-road, non-road, and stationary engines or achieved by sources from which control technologies may be transferred, including sources that use advanced after treatment technologies, will not be technically achievable by January 1, 2012, to disseminate:

1. Standards that require the level of control that will be technically achievable by that date;
2. Additional standards that require either such maximum level of control or the level that will be technically achievable beginning January 1, 2016.

Analysis

This legislation may assist the region reach its air quality attainment targets for PM 2.5. If the regional cannot meet air quality targets for PM 2.5 by 2014, the region may be sanctioned by the federal government and/or lose funding for air quality improvement projects relating to transportation.

S 1499 is identical to HR 2248, authored by Congresswoman Solis.

Status

05/24/07 Referred to Senate Environment and Public Works Committee

02/14/08 Hearings held in the Senate Environment and Public Works Committee

Minute Action

AGENDA ITEM: 8

Date: May 14, 2008

Subject: Transportation Development Act (TDA), Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA), California Transit Security Grant Program – California Transit Assistance Fund (CTSGP-CTAF) and Measure I Local Pass-Through Auditing Services Contract

Recommendation: *

1. Approve selection of Miers & Miers, LLP, CPA for compliance and fiscal audits of TDA, PTMISEA, CTSGP-CTAF and Measure I Local Pass-Through recipients including five transit operators for Fiscal Years 2007/2008, 2008/2009 and 2009/2010, with two (2) one-year options.
2. Approve Contract C08163 with Miers & Miers, LLP, CPA to provide TDA Claimants, PTMISEA and CTSGP-CTAF Recipients and Measure I Local Pass-Through Audits in the amount of \$427,770 as identified in the Financial Impact Section.

Background: San Bernardino Associated Governments, as the County Transportation Commission, is responsible for securing compliance and fiscal audits of TDA recipients, as required pursuant to PUC Section 99245, including the following transit operators: Cities of Barstow and Needles, Morongo Basin Transit Authority, Mountain Area Regional Transit Authority and Victor Valley Transit Authority. The audits required for these public transportation operators under said PUC Section will be expanded to include verification of receipt and appropriate expenditure of PTMISEA and CTSGP-CTAF funds. In addition, as

Approved
Administrative Committee

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

the County Transportation Authority, SANBAG is to ensure Measure I Pass-Through recipient compliance with the San Bernardino County Transportation Authority Ordinances 89-10 and 90-1, as well as the accompanying Measure I policies.

On April 2, 2008, Request for Proposal (RFP) 08-163 was released. The RFP was posted on the Agency's website and 51 firms maintained in the Agency's database were sent notices of the posting. Seven firms declined the invitation to propose due to present work load. Proposals were due on April 25, 2008.

Proposals from Mayer Hoffman McCann P.C. and Miers & Miers, LLP CPA were received by the due date. An evaluation team comprised of a representative of the San Bernardino County Auditor-Controller-Recorder, SANBAG Finance, and staff who oversee the Measure I and TDA programs. The evaluation team interviewed each firm on May 2nd. Each team member then scored the proposal using the criteria contained in the RFP. The total possible score was 100 points. The table below displays the evaluation committee's average score as well as the proposal price by submitting firm.

Proposing Firm	Average Score	Price
Mayer Hoffman McCann P.C.	82.4	\$927,085
Miers & Miers, LLP, CPA	89.3	\$427,770

The evaluation committee felt that both firms were qualified but that Mayer Hoffman McCann P.C. did not demonstrate a clear understanding of SANBAG's needs as they pertain to the TDA and Measure I Policies as reflected in the scores above. In addition, the proposed fee from Miers & Miers is considerably less than that offered from Mayer Hoffman McCann.

Although Miers & Miers has been conducting these compliance and fiscal audits for several years, it is important to note that with the exception of the five transit agency audits the audits conducted are compliance and fiscal audits of funds – not audits of the cities or county as an entire entity.

It must be noted that the Government Finance Officer Association suggests that...*"Mandatory auditor rotation can be effective only if a government has access to a sufficient number of interested and qualified audit firms to ensure adequate competition. Unfortunately, governments sometimes have few audit firms available with the specialized expertise and experience needed to perform*

effective public sector audits. In such circumstances, a rule requiring mandatory auditor rotation could have a practical effect of forcing a government to select a less qualified audit firm. Also, a policy requiring the mandatory rotation of auditors may significantly decrease the number of qualified audits firms wishing to participate in the audit procurement process.

For these reasons, governments are advised not to institute a mandatory audit rotation policy. Instead, at the end of each audit contract term governments are encourage to engage in a full-scale, aggressive procurement process that encourages completion from all qualified firms, including the current auditor.

Financial Impact: The first year of this contract is consistent with the proposed Fiscal Year 2008/2009 budget; the subsequent years will be budgeted in those years as represented by this contract. Funding sources for the first year will be LTF-Planning TN50109000; LTF-Administration TN 50209000; Valley Measure I Administration TN 50409000 and Mountain/Desert Measure I Administration; TN 50509000.

Reviewed By: This item is scheduled for review by the Administrative Committee on May 14, 2008. The contract has also been reviewed by SANBAG Counsel.

Responsible Staff: Michael Bair, Director of Transit and Rail Programs
Victoria Baker, Senior Transit Analyst

AB	Assembly Bill
ACE	Alameda Corridor East
ACT	Association for Commuter Transportation
ADA	Americans with Disabilities Act
APTA	American Public Transportation Association
AQMP	Air Quality Management Plan
ATMIS	Advanced Transportation Management Information Systems
BAT	Barstow Area Transit
CAC	Call Answering Center
CALACT	California Association for Coordination Transportation
CALCOG	California Association of Councils of Governments
CALSAFE	California Committee for Service Authorities for Freeway Emergencies
CALTRANS	California Department of Transportation
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CHP	California Highway Patrol
CMAQ	Congestion Mitigation and Air Quality
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COG	Council of Governments
CSAC	California State Association of Counties
CTA	California Transit Association
CTAA	Community Transportation Association of America
CTC	California Transportation Commission
CTC	County Transportation Commission
CTP	Comprehensive Transportation Plan
DMO	Data Management Office
DOT	Department of Transportation
E&H	Elderly and Handicapped
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EPA	United States Environmental Protection Agency
ETC	Employee Transportation Coordinator
FEIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GFOA	Government Finance Officers Association
GIS	Geographic Information Systems
HOV	High-Occupancy Vehicle
ICMA	International City/County Management Association
ICTC	Interstate Clean Transportation Corridor
IEEP	Inland Empire Economic Partnership
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IIP/ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
IVDA	Inland Valley Development Agency
JARC	Job Access Reverse Commute
LACMTA	Los Angeles County Metropolitan Transportation Authority
LNG	Liquefied Natural Gas
LTF	Local Transportation Funds
MAGLEV	Magnetic Levitation
MARTA	Mountain Area Regional Transportation Authority
MBTA	Morongo Basin Transit Authority
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MIS	Major Investment Study
MOU	Memorandum of Understanding

MPO	Metropolitan Planning Organization
MSRC	Mobile Source Air Pollution Reduction Review Committee
MTP	Metropolitan Transportation Plan
NAT	Needles Area Transit
OA	Obligation Authority
OCTA	Orange County Transportation Authority
OWP	Overall Work Program
PA&ED	Project Approval and Environmental Document
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PDT	Project Development Team
PPM	Planning, Programming and Monitoring Funds
PSR	Project Study Report
PTA	Public Transportation Account
PVEA	Petroleum Violation Escrow Account
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RFP	Request for Proposal
RIP	Regional Improvement Program
ROD	Record of Decision
RTAC	Regional Transportation Agencies' Coalition
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SB	Senate Bill
SAFE	Service Authority for Freeway Emergencies
SANBAG	San Bernardino Associated Governments
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SED	Socioeconomic Data
SHA	State Highway Account
SHOPP	State Highway Operations and Protection Program
SOV	Single-Occupant Vehicle
S RTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TCM	Transportation Control Measure
TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21 st Century
TIA	Traffic Impact Analysis
TMC	Transportation Management Center
TMEE	Traffic Management and Environmental Enhancement
TOC	Traffic Operations Center
TOPRS	Transit Operator Performance Reporting System
TSM	Transportation Systems Management
USFWS	United States Fish and Wildlife Service
UZAs	Urbanized Areas
VCTC	Ventura County Transportation Commission
VVTA	Victor Valley Transit Authority
WRCOG	Western Riverside Council of Governments

San Bernardino Associated Governments



MISSION STATEMENT

To enhance the quality of life for all residents,
San Bernardino Associated Governments
(SANBAG) will:

- Improve cooperative regional planning
- Develop an accessible, efficient,
multi-modal transportation system
- Strengthen economic development
efforts
- Exert leadership in creative problem
solving

To successfully accomplish this mission,
SANBAG will foster enhanced relationships
among all of its stakeholders while adding
to the value of local governments.

Approved June 2, 1993
Reaffirmed March 6, 1996